

IN THE
Supreme Court of the United States
OCTOBER TERM, 1977

No. 77-1328

RUVEN ST. PIERRE,
v. *Petitioner,*
EXXON CORPORATION, BOOKER DRILLING CO., INC.,
and LIBERTY MUTUAL INSURANCE CO.,
Respondents,

RUVEN J. ST. PIERRE,
v. *Petitioner,*
EXXON CORPORATION, BENNIE P. TOUPS,
RICHARD N. BOSS and JOE W. MOORE,
Respondents.

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit

REPLY BRIEF FOR PETITIONER

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Only two brief points are in order in the light of Respondents' Brief in Opposition.

1. Respondent has challenged both Petitioners' position in this and a companion Gaudet Petition No. 77-1284 that the determination of borrowed servant status is a question of fact in Louisiana.¹ In one of the most

¹ See Brief for Respondent in Opposition, No. 77-1328, paragraph 2, page 12.

recent court of appeals cases in Louisiana, which has not heretofore been cited, *Vincent v. Ryder Enterprises, Inc.*, 352 So.2d 1061 (La. App. 3d Cir. 1977), the court specifically held at 1065:

Whether a person is a "borrowed servant" is an issue of fact. *LeBlanc v. Roy Young, Inc.*, 308 So.2d 443 (La. App. 3d Cir. 1975); *Nichols Construction Corporation v. Spell*, 315 So.2d 801 (La. App. 1st Cir. 1975).

The facts in that case were quite similar to those in the instant one, and the borrowed servant issue was submitted to a jury, with the approval of the state appellate court.

2. In Respondents' statement of the case,² they question in at least one respect the statement of facts contained in St. Pierre's Petition. In the paragraph in question—the second paragraph on page 7—Petitioner intended to state that a sworn statement and other materials had been filed as part of the record at those locations identified in the Petition. As so stated, the paragraph is entirely accurate.

Respectfully submitted,

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² See Brief for Respondent in Opposition, No. 77-1328, paragraph 2, page 8.